

Remarks/Arguments

Reconsideration of the above-identified application in view of the present amendment is respectfully requested.

Claims 1, 3-5, 7-8 and 10-11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,955,496 to Nelson ("Nelson") in view of U.S. Patent No. 4,815,866 to Martone ("Martone"). Claims 1, 6, and 9 stand rejected as being unpatentable over U.S. Patent No. 6,296,212 to Monahan in view of Martone. Withdrawal of these rejections is respectfully requested in view of the following reasons.

Claim 1 is amended to recite that the locking device includes pins that are uniformly distributed along an end portion of the screen and extend from the end portion in a direction substantially along the length of the screen. None of the cited references taken either alone or in combination disclose or suggest this feature.

A locking device as recited in claim 1 provides an increasingly better grip, the heavier the refuse sack is, when lifting the screen with the refuse sack, since the pins extend in a direction opposite to the direction of stress on the sack material during lifting, or in the lifting direction. The locking device as recited in claim 1 also provides a firm grip around a substantial part of the circumference of the refuse sack, thus lowering the stress on the sack material so that heavier loads may be handled. The refuse sack is also easier to apply on the locking device, since the grip between the refuse sack and the locking device is obtained by one separate manual action after the sack has been correctly positioned relative to the screen. Furthermore, a

locking device as recited in claim 1 allows safe application and handling of refuse sacks of various sizes.

Nelson discloses a liner 10 that rolls up to fit within a bag 14. The panel 12 includes a lower edge 16 and an upper edge 18. The lower edge 16 includes rounded corners 20 so that when the liner 10 is inserted into the bag 14 or moved in adjustment, the corners 20 do not catch and tear the walls of the bag 14 (Col. 2, lines 36-43). Nelson does not disclose or suggest a locking device that includes pins that are uniformly distributed along an end portion of the liner and extend from the end portion in a direction substantially along the length of the liner. Further, the bag 14 is not tensioned or stretched nor is it desirable to stretch the bag 14, while the liner is locked within a constant circumference. Quite the contrary, as stated above, Nelson is designed to prevent any catching or tearing of the bag 14.

Monahan discloses a support 10, which the Examiner considers to be the screen, for holding a bag 12 open. Monahan fails to disclose or suggest a locking device including pins that are uniformly distributed along an end portion of the support 10 and extend from the end portion of the support 10 in a direction substantially along the length of the support 10. In fact, the support 10 is designed to lie down on the ground as shown in Fig. 1 and thus, does not need any locking device for holding the bag 12. Accordingly, one of ordinary skill in the art would not include a locking device on the support 10 of Monahan.

Martone relates to an expandable frame 20 for a container that tensions or stretches the container from inside at the opening thereof. The frame 20 includes outwardly extending protuberances 50. Martone also discloses a frame 55 with

fingers 61, 62. If Martone were combined with Nelson or Monahan, the cone-shaped protuberances 50 and fingers 61, 62, would not be uniformly distributed and extend in a direction substantially along a length of the liner of Nelson or the support of Monahan. Thus, the protuberances 50 and fingers 61, 62 would not extend in a direction opposite to the direction of stress on the sack material during lifting, or in the lifting direction of the frame with the container. Further, the locking device for locking the frame 20 in an expanded position with fixed outer dimensions does not permit tensioning of larger containers and cannot be fully expanded and locked in small containers. Also, the locking device does not penetrate the container along a substantial part of the circumference thereof. Therefore, in view of the above, claim 1 is allowable.

Claims 3-10 depend from claim 1 and are therefore allowable as depending from an allowable claim and for the specific features recited therein.

Claim 11 is amended to recite that the locking device includes pins that are uniformly distributed along an end portion of the panel member and extend from the end portion in a direction substantially along the length of the panel member. None of the cited references taken either alone or in combination disclose or suggest this feature.

Nelson discloses a liner 10 that rolls up to fit within a bag 14. The panel 12 includes a lower edge 16 and an upper edge 18. The lower edge 16 includes rounded corners 20 so that when the liner 10 is inserted into the bag 14 or moved in adjustment, the corners 20 do not catch and tear the walls of the bag 14 (Col. 2, lines 36-43). Nelson does not disclose or suggest a locking device that includes pins

that are uniformly distributed along an end portion of the liner and extend from the end portion in a direction substantially along the length of the liner. Further, the bag 14 is not tensioned or stretched nor is it desirable to stretch the bag 14, while the liner is locked within a constant circumference. Quite the contrary, as stated above, Nelson is designed to prevent any catching or tearing of the bag 14.

Martone relates to an expandable frame 20 for a container that tensions or stretches the container from inside at the opening thereof. The frame 20 includes protuberances 50. Martone also discloses a frame 55 with fingers 61, 62. If Martone were combined with Nelson the cone-shaped protuberances 50 and fingers 61, 62 would not be uniformly distributed and extend in a direction substantially along a length of the liner 10 of Nelson. Thus, claim 11 is allowable.

In view of the foregoing, it is respectfully submitted that the above-identified application is in condition for allowance, and allowance of the above-identified application is respectfully requested.

Please charge any deficiency or credit any overpayment in the fees for this amendment to our Deposit Account No. 20-0090.

Respectfully submitted,



JAMES L. TAROLLI
Reg. No. 36,029

TAROLLI, SUNDHEIM, COVELL,
& TUMMINO L.L.P.
1300 East Ninth Street, Suite 1700
Cleveland, Ohio 44114
Phone: (216) 621-2234
Fax: (216) 621-4072
Customer No.: 26,294